

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
FASHION GROUP, LLC AND FUNGYUN, INC.,

Plaintiff,

– v. –

JOHNNY’S SIGNATURE, INC., JOHNNY’S  
SIGNATURE INT’L, INC., DEEPAK SAJNANI,  
BILCO IMPORT & EXPORT, INC., BILCO  
INDUSTRIES, INC., BURTON CHEN (a/k/a Billy  
Chen a/k/a William Chen, a/k/a Zhiquan Chen),  
JERRY LAU and DOUBLE TOP  
INTERNATIONAL, INC.,

Defendants.  
----- X

Case No.: 1:18-cv-02959 (PGG)

**ANSWER BY DEFENDANTS JOHNNY’S SIGNATURE, INC., JOHNNY’S  
SIGNATURE INT’L, INC., DEEPAK SAJNANI TO THE AMENDED  
COMPLAINT BY FASHION GROUP LLC AND FUNGYUN, INC.**

Defendants, Johnny’s Signature, Inc. and Johnny’s Signature Int’l, Inc. and Johnny Sanjani s/h/a Deepak Sajani (collectively referred to herein as the “Johnny Defendants”), by their attorneys, Lazarus & Lazarus, P.C., as and for their answer to the Amended Complaint by Fashion Group, LLC and Fungyun, Inc. filed on June 13, 2018 (the “Complaint”), states as follows:

**NATURE OF THE CASE**

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 1, except refer to the laws, rules and statutes referenced therein.

2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 2.

3. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 3.

4. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 4.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 5.

6. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 6.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 7, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

8. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 8.

9. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 9.

10. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 10.

11. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 11

12. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 12.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 13.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 14.

15. Admit the allegations set forth in the paragraph of the Complaint marked and numbered 15.

16. Admit the allegations set forth in the paragraph of the Complaint marked and numbered 16.

17. Admit the allegations set forth in the paragraph of the Complaint marked and numbered 17.

18. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 18.

19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 19.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 20.

21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 21.

22. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 22.

23. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 23.

24. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 24.

25. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 25.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 26, except refer to the laws, rules and statutes referenced therein.

27. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 27, except refer to the laws, rules and statutes referenced therein.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 28, except refer to the laws, rules and statutes referenced therein.

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 29, except refer to the laws, rules and statutes referenced therein.

30. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 30.

31. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 31.

32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 32.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 33.

34. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 34.

35. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 35.

36. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 36.

37. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 37.

38. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 38.

39. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 39, except admit that Defendants Sajnani and Johnny's provide financing to the other Defendants and further specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

40. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 40.

41. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 41, except refer to the books and records of the Defendants.

42. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 42.

43. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 43.

44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 44.

45. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 45.

46. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 46, except refer to the books and records of the defendants.

47. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 47, except refer to the books and records of the defendants.

48. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 48.

49. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 49.

50. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 50.

51. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 51.

52. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 52 and refer to the Labels.

53. Admit the allegations set forth in the paragraph of the Complaint marked and numbered 53 and refer to the rules and regulations of the Federal Trade Commission ("FTC").

54. Admit the allegations set forth in the paragraph of the Complaint marked and numbered 54 and refer to the rules and regulations of the FTC.

55. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 55, except refer to the registration records of the FTC and refer to the Garments.

56. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 56, except refer to the registration records of the FTC.

57. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 57, except refer to the registration records of the FTC.

58. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 58.

59. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 59.

60. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 60.

61. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 61.

62. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 62 except refer to the rules and regulations of the FTC.

63. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 63 except refer to the rules and regulations of the FTC.

64. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 64 except refer to the caselaw cited therein.

65. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 65 except refer to the caselaw cited therein.

66. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 66.

67. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 67.

68. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 68.

69. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 69.

70. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 70.

71. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 71 except refer to Exhibit A.

72. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 72 except refer to Exhibit A.

73. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 73 except refer to Exhibit B.



74. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 74 except refer to Exhibit B.

75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 75 except refer to Exhibit B.

76. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 76 except refer to Exhibit B.

77. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 77 except refer to Exhibit C.

78. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 78 except refer to Exhibit C.

79. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 79 except refer to Exhibit C.

80. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 80 except refer to Exhibit C.

81. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 81 except refer to Exhibit D.

82. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 82 except refer to Exhibit D.

83. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 83 except refer to Exhibit D.

84. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 84 except refer to Exhibit D.

85. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 85 except refer to Exhibit E.

86. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 86 except refer to Exhibit E.

87. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 87 except refer to Exhibit E.

88. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 88 except refer to Exhibit E.

89. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 89 except refer to Exhibit F.

90. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 90 except refer to Exhibit F.

91. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 91 except refer to Exhibit F.

92. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 92 except refer to Exhibit F.

93. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 93.

94. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 94.

95. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 95.

96. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 96.

97. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 97.

98. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 98.

99. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 99.

100. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 100.

101. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 101.

102. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 102.

103. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 103, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

104. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 104.

105. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 105.

106. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 106.

107. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 107.

108. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 108.

109. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 109.

110. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 110.

111. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 111.

112. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 112.

113. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 113.

114. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 114.

115. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 115.

116. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 116.

117. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 117.

118. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 118.

119. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 119.

**AS AND FOR PLAINTIFF'S FIRST CLAIM FOR RELIEF**

120. Plead to each and every allegation set forth in the paragraph of the Complaint marked and numbered 120 as hereinbefore and hereinafter set forth.

121. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 121 except refer to the laws, rules and statutes referenced therein.

122. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 122.

123. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 123 except refer to the Lanham Act for the content thereof.

124. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 124, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

125. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 125.

126. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 126, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

127. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 127.

128. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 128.

129. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 129, except

specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

130. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 130, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

131. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 131, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

132. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 132, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

133. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 133, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

134. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 134.

135. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 135, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny

Defendants liable to any party herein for any claim or cause asserted in the Complaint and refer to the laws, rules and statutes referenced therein.

136. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 136.

137. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 137.

138. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 138.

139. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 139.

#### **AS AND FOR PLAINTIFF'S SECOND CLAIM FOR RELIEF**

140. Plead to each and every allegation set forth in the paragraph of the Complaint marked and numbered 140 as hereinbefore and hereinafter set forth.

141. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 141, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

142. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 142, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint and refer to the laws, rules and statutes referenced therein.



143. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 143.

144. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 144.

**AS AND FOR PLAINTIFF'S THIRD CLAIM FOR RELIEF**

145. Plead to each and every allegation set forth in the paragraph of the Complaint marked and numbered 145 as hereinbefore and hereinafter set forth.

146. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 146, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint and refer to the laws, rules and statutes referenced therein.

147. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 147.

148. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 148.

**AS AND FOR PLAINTIFF'S FOURTH CLAIM FOR RELIEF**

149. Plead to each and every allegation set forth in the paragraph of the Complaint marked and numbered 149 as hereinbefore and hereinafter set forth.

150. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 150, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny

Defendants liable to any party herein for any claim or cause asserted in the Complaint and refer to the laws, rules and statutes referenced therein.

151. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 151.

152. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 152.

153. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 153 except refer to the laws, rules and statutes referenced therein.

154. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 154.

**AS AND FOR PLAINTIFF'S FIFTH CLAIM FOR RELIEF**

155. Plead to each and every allegation set forth in the paragraph of the Complaint marked and numbered 155 as hereinbefore and hereinafter set forth.

156. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 156.

157. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 157.

158. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 158.

159. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 159.

**AS AND FOR PLAINTIFF'S SIXTH CLAIM FOR RELIEF**

160. Plead to each and every allegation set forth in the paragraph of the Complaint marked and numbered 160 as hereinbefore and hereinafter set forth.

161. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 161.

162. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 162.

163. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 163.

164. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 164.

165. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 165.

166. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 166.

**AS AND FOR PLAINTIFF'S SEVENTH CLAIM FOR RELIEF**

167. Plead to each and every allegation set forth in the paragraph of the Complaint marked and numbered 167 as hereinbefore and hereinafter set forth.

168. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 168 except refer to the laws, rules and statutes referenced therein.

169. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 169 except refer to the laws, rules and statutes referenced therein.

170. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 170.

171. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 171 and refer to the Labels.

172. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 172.

173. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 173.

174. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 174.

175. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 175.

176. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 176.

177. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 177.

178. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 178.

179. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 179, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

180. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 180, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

181. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 181.

182. Admit the allegations set forth in the paragraph of the Complaint marked and numbered 182.

183. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 183 except refer to the laws, rules and statutes referenced therein.

184. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 184.

185. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 185.

186. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 186, except specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

187. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 187.

188. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 188, except

specifically deny that any act, conduct or omission of the Johnny Defendants renders the Johnny Defendants liable to any party herein for any claim or cause asserted in the Complaint.

189. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 189.

190. Deny each and every allegation set forth in the paragraph of the Complaint marked and numbered 190.

#### **FIRST AFFIRMATIVE DEFENSE**

1. Plaintiff fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

2. Plaintiff's claims are barred by the doctrine of estoppel.

#### **THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff's claims are barred by the doctrine of unclean hands.

#### **FOURTH AFFIRMATIVE DEFENSE**

4. Plaintiff's claims are barred by Plaintiff's own conduct.

#### **FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff's failed to mitigate their damages, if any.

#### **SIXTH AFFIRMATIVE DEFENSE**

6. Plaintiff's claims are barred by the doctrine of laches.

#### **SEVENTH AFFIRMATIVE DEFENSE**

7. Plaintiff's claims are barred due to no wrongdoing on Defendant's part.

#### **EIGHTH AFFIRMATIVE DEFENSE**

8. Plaintiff's claims are barred for and on account of their failure to set forth more than conclusory allegations.

#### **NINTH AFFIRMATIVE DEFENSE**

9. Plaintiff's claims are barred by reason of the good faith conduct by the Defendant.

#### **TENTH AFFIRMATIVE DEFENSE**

10. Defendant acted at all times in good faith, in accordance with applicable law, without knowledge of any wrongful acts, and without any wrongful intent.

#### **ELEVENTH AFFIRMATIVE DEFENSE**

11. Plaintiff claims are barred because Plaintiff is an improper plaintiff.

#### **TWELFTH AFFIRMATIVE DEFENSE**

12. Plaintiff's claims are barred because Plaintiff is not a party in interest.

#### **THIRTEENTH AFFIRMATIVE DEFENSE**

13. Plaintiff's claims are barred because Plaintiff lacks standing.

#### **FOURTEENTH AFFIRMATIVE DEFENSE**

14. Defendant reserves the right to plead additional defenses that may be identified during the course of discovery.

#### **DEMAND FOR JURY TRIAL**

Johnny Defendants hereby demand a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure as to all issues or claims for which a jury trial is allowed.

**WHEREFORE**, the Johnny Defendants respectfully demand judgment dismissing the Complaint of Plaintiff and for such other and further relief as this Court deems just and proper.

Dated: July 16, 2018  
New York, New York

**LAZARUS & LAZARUS, P.C.**  
*Attorneys for Johnny's Signature, Inc. and  
Johnny's Signature Int'l, Inc. and Johnny  
Sajnani s/ha Deepak Sajnani*

By: 

\_\_\_\_\_  
Harlan M. Lazarus, Esq.  
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New York, New York 10016  
(212) 889-7400

To: Wilson Keadjian Browndorf, LLP  
114 West 47<sup>th</sup> St., 18<sup>th</sup> Fl.  
New York, NY 10036  
Attention: Jonathan J. Faust